

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

THOMAS C. WILEY

PETITIONER

v.

No. 3:17CV158-NBB-RP

STATE OF MISSISSIPPI, ET AL.

RESPONDENTS

ORDER OF DISMISSAL

The court takes up, *sua sponte*, the dismissal of this cause. On September 1, 2017, the court entered an order [5] requiring the petitioner to either pay the \$5.00 filing fee in this case or submit a properly completed form to proceed *in forma pauperis* within 30 days of the date of the order. The court cautioned the petitioner that failure to comply with the order would result in the dismissal of this case without prejudice. Despite this warning, the petitioner has failed to comply with the court's order, and the deadline for compliance passed on October 1, 2017. This case is therefore **DISMISSED** without prejudice for failure to prosecute and for failure to comply with an order of the court under FED. R. CIV. P. 41(b).

Though the petitioner has submitted two form motions requesting to proceed *in forma pauperis*, he did not provide the declaration of the inmate accounts custodian as to the status of his inmate account. If will merely provide this information, the court can reinstate his petition for a writ of *habeas corpus*.

SO ORDERED, this, the 1st day of November, 2017.

/s/ Neal Biggers
NEAL B. BIGGERS
SENIOR U. S. DISTRICT JUDGE